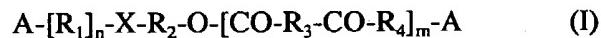


**AMENDMENTS TO THE CLAIMS:**

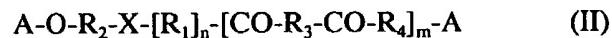
This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

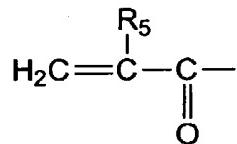
C 1. (Currently Amended) Methacrylate or acrylate binder comprising oligomers of the following formula (I) and/or (II)



and/or



wherein A represents



CO is carbonyl group

R<sub>1</sub> is a repetition unit of an aromatic polyester,

R<sub>2</sub> is a divalent radical selected from the group consisting of linear and branched C<sub>3</sub>-C<sub>20</sub> alkylen, cycloalkylen and aralkylen alkylene, cycloalkylene and aralkylene radicals, di-, tri- or tetraalkylenether tetraalkylene ether radicals, and heterocyclic radicals, wherein said radicals may be optionally substituted,

R<sub>3</sub> is a divalent radical selected from the group consisting of linear and branched aliphatic and aromatic and araliphatic radicals, wherein said radicals may be optionally substituted with OH or COOH groups,

R<sub>4</sub> = -O-R<sub>2</sub>-X-[R<sub>1</sub>]n- or -[R<sub>1</sub>]n-X-R<sub>2</sub>-O- or -X-R<sub>2</sub>-O-

R<sub>5</sub> is hydrogen or methyl group

X is -O- or -NH-, and

n is 1 to 4, and

m is 0 to 3[.]

wherein said binder is formed by esterification of at least one hydroxy-terminated aromatic polyester oligomer with acrylic or methacrylic acid.

*2/* (Previously Presented) The binder of Claim 1 that further comprises at least one compound selected from the group consisting of

*C1*

A-O-R<sub>2</sub>-X-A,

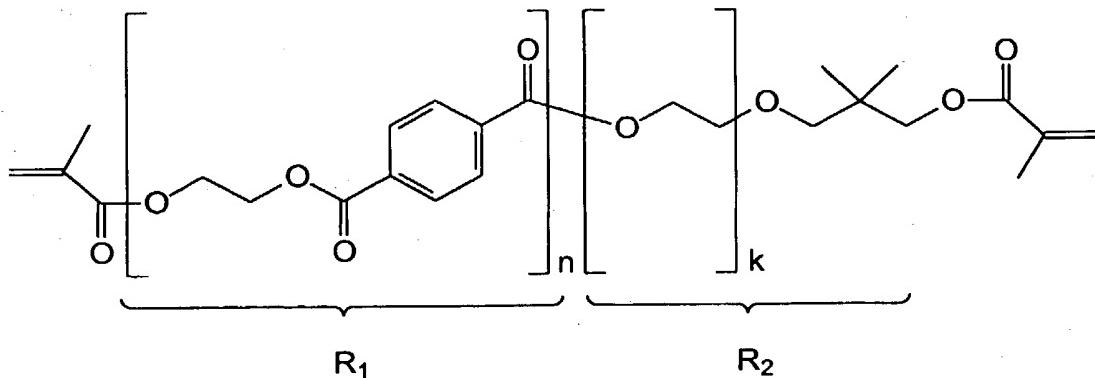
A-[R<sub>1</sub>]n-O-R<sub>6</sub>, and

A-OH,

wherein A, R<sub>1</sub> and R<sub>2</sub> are as defined in Claim 1, and

R<sub>6</sub> is a linear or branched aliphatic or aromatic or araliphatic radical.

*3/* (Previously Presented) The binder of claim 1 that comprises the oligomer represented by



wherein  $R_1$  is a repetition unit of PET,

$R_2$  is an ethoxylated neopentyl glycol derived radical,

n is 1 to 4, and

k is 1 to 3.

44. (Previously Presented) The binder of Claim 1 that is [obtainable] obtained by the steps of (i) generating hydroxy terminated binder precursor oligomers (OH-precursors) derived from at least one aromatic polyester, and (ii) reacting said OH-precursors of step (i) with methacrylic acid and/or acrylic acid to form a respective ester, whereby step (i) comprises reacting an aromatic polyester, or a mixture of aromatic polyesters with at least one polyol and/or at least one aminopolyol to generate hydroxy terminated oligomers.

55. (Previously Presented) The binder of Claim 1, which is a methacrylate binder.

66. (Previously Presented) The binder of Claim 1, which is derived from PET.

77. (Previously Presented) The binder of Claim 4, which is prepared using as polyol at least one diol, at least one triol or a mixture thereof.

88. (Previously Presented) The binder of Claim 4, which is prepared using a mixture of at least one polyol and/or at least one aminoalcohol and at least one monofunctional alcohol.

99. (Previously Presented) The binder of Claim 7, wherein the alcohol is selected from monohydroxy functional or dihydroxy functional polymers or oligomers selected from

the group consisting of polyethers, polyesters, polyurethanes, polycaprolactones and mixtures thereof.

10. (Previously Presented) The binder of Claim 4, wherein said OH-precursors of step (i) that are further reacted in step (ii) are identical with said hydroxy terminated oligomers.

11. (Previously Presented) The binder of Claim 4, wherein said OH-precursors of step (i) that are further reacted in step (ii) are obtained by further reacting said hydroxy terminated oligomers with at least one polycarboxylic acid and/or at least one polycarboxylic anhydride.

12. (Currently Amended) The binder of claim 11, wherein the polycarboxylic acid is a dicarboxylic acid or an anhydride of a dicarboxylic acid[,] ~~preferably a dicarboxylic acid or anhydride selected from the group consisting of adipic acid, azelaic acid, phthalic acid or anhydride, isophthalic acid, dodecanicarboxylic acid, maleic acid or anhydride, trimellitic acid or anhydride and the like.~~

13. (Previously Presented) Method for the production of a binder of Claim 4 comprising the steps of (i) generating OH-precursors from at least one aromatic polyester, and (ii) reacting said OH-precursors of step (i) with methacrylic acid and/or acrylic acid to

form a respective ester, whereby step (i) comprises reacting an aromatic polyester, or a mixture of aromatic polyesters with at least one polyol and/or at least one aminopolyol to generate hydroxy terminated oligomers.

~~14~~ 14. (Original) The method of claim 13, wherein step (i) furthermore comprises reacting said hydroxy terminated oligomers with at least one polycarboxylic and/or at least one polycarboxylic anhydride to get said OH-precursors.

~~15~~ 15. (Previously Presented) A composition of binders comprising binders of Claim 1 and at least one other (meth)acrylate and/or ethylenically unsaturated vinyl monomer.

~~16~~ 16. (Previously Presented) A formulation comprising a binder of Claim 1 and at least one further substance selected from the group consisting of initiators, catalysts, stabilizer, binders different from a (meth)acrylate binder or ethylenically unsaturated vinyl monomer, fillers and additives.

~~17~~ 17. (Original) The formulation of Claim 16 that is an adhesive formulation, a coating formulation, a mortar formulation, a casting compound formulation or a flooring formulation.

18. (Previously Presented) An adhesive, coating, flooring, mortar, or casting compound comprising the binder of Claim 1.

19. (Previously Presented) Method for producing a joint, coating or flooring, wherein a binder of Claim 1 is applied on at least one substrate such that wetting and adhesion is achieved.

20. (Previously Presented) The binder of Claim 1, wherein R<sub>2</sub> is optionally substituted with substituents selected from the group consisting of hydroxy, ester and alkyl groups.

21. (Previously Presented) The binder of Claim 1, wherein R<sub>3</sub> is a radical with 3 to 14 carbon atoms.

22. (Previously Presented) The binder of Claim 2, wherein R<sub>6</sub> is a radical with 5 to 22 carbon atoms.

23. (Previously Presented) The binder of Claim 7, wherein said polyol is selected from the group consisting of diethylene glycol, ethoxylated neopentyl glycol, di-(2-hydroxyethyl)- 5,5-dimethylhydantoin, 1,3-dimethylol-5,5-dimethylhydantoin, tri-(2-hydroxyethyl)-isocyanurate, hydroxyalkyl isocyanurates, and mixtures thereof.

24. (Previously Presented) The binder of Claim 8, wherein said monofunctional alcohol is selected from the group consisting of C<sub>5</sub>-C<sub>22</sub> linear saturated alcohols, C<sub>5</sub>-C<sub>22</sub> linear unsaturated alcohols, C<sub>5</sub>-C<sub>22</sub> branched saturated alcohols, C<sub>5</sub>-C<sub>22</sub> branched unsaturated alcohols, and mixtures thereof.

25. (Previously Presented) The binder of Claim 8, wherein said monofunctional alcohol is selected from the group consisting of 4-methyl-1-pentanol, hexanol, lynoleyl alcohol, benzyl alcohol, trimethylolpropane diallylether, allyl alcohol, nonanol, and mixtures thereof.

Please add the following new claims 26:

26. (New) The binder of claim 12, wherein the dicarboxylic acid or anhydride is selected from the group consisting of adipic acid, azelaic acid, phthalic acid or anhydride, isophthalic acid, dodecandicarboxylic acid, maleic acid or anhydride and trimellitic acid or anhydride--